

United States District Court
for
the District of Nevada

REQUEST FOR HEARING
TO MODIFY CONDITIONS OR TERMS OF SUPERVISION

Name of Offender: **Daniel Phillip Spencer**

Case Number: **2:10CR00616**

Name of Sentencing Judicial Officer: **Honorable Kent J. Dawson**

Date of Original Sentence: **December 6, 2013**

Original Offense: **Mail Fraud**

Original Sentence: **46 Months prison, followed by 36 Months TSR.**

Date Supervision Commenced: **April 11, 2017**

PETITIONING THE COURT

The offender not having waived a hearing, the probation officer requests that a summons be issued and a hearing held to modify the conditions of supervision as follows:

1. **Mental Health Treatment** - You shall participate in and successfully complete a mental health treatment program, which may include testing, evaluation, and/or outpatient counseling, as approved and directed by the probation office. You shall refrain from the use and possession of beer, wine, liquor, and other forms of intoxicants while participating in mental health treatment. Further, you shall be required to contribute to the costs of services for such treatment, as approved and directed by the probation office based upon your ability to pay.

CAUSE

As Your Honor is aware, the above-named offender has filed a letter with the Court requesting the condition prohibiting him from employment in the real estate field be removed. Spencer offers two other options for the Court's consideration which are not reasonable. What is concerning is that Spencer words his letter as an ultimatum to the Court, stating, "If none of these will happen...I will just leave the country."

RE: Daniel Phillip Spencer

Prob12D
D/NV Form
Rev. June 2014

During an office visit on August 3, 2017, Spencer was upset that his letter to the Court has gone unanswered, and later made comments via text message that that Court is “corrupt, perverted, and degraded” and requested this officer share his opinion with the Court.

In light of this letter and the offender’s bizarre comments he continues to make regarding his wishes to be returned to “Disneyland,” a term of endearment Spencer uses for prison, he was presented with a waiver of hearing modification form to add mental health counseling to his conditions of supervision. Spencer refused to sign it and denied the need for counseling. He stated he is just “extremely passionate,” and “is embarrassed to be an American.”

Spencer recently told this officer that he is currently working on real estate deals and tax liens, but has not officially “closed any deals.” Spencer noted that if this condition is not removed, he would be closing those deals, despite what the Court order says. Spencer stated he prefers to return to custody where he can “have the phones, have the computers, “to conduct business” as he wishes. During this officer’s conversation with Spencer, he eluded to the fact that he has been conducting business transactions involving real estate, and specifically “tax liens,” but specifically commented that he has “not closed any deals.” When the undersigned made attempts to contact Spencer to follow up as to the meaning of these comments, he failed to respond. Therefore, based on his admission, it is not unreasonable to conclude that he is involving himself in real estate business, which is a violation of his conditions.

Given Spencer’s wishes to appear before the Court regarding the modification of supervised release, it is respectfully recommended a summons be issued to address the addition of a mental health counseling, as well as the offender’s possible involvement in real estate business.

I declare under penalty of perjury that the
information contained herein is true and
correct,

Executed on **August 21, 2017**



Sunny R. Cascio
2017.08.21
14:35:44 -07'00'

Sunny Cascio
United States Probation Officer

RE: Daniel Phillip Spencer

Prob12D
D/NV Form
Rev. June 2014

Approved:



Todd Fredlund
2017.08.21 14:19:23
-07'00'

Todd J. Fredlund
Supervisory United States Probation Officer

THE COURT ORDERS

- ☐ No Action.
- ☒ The issuance of a summons.
- ☐ Other



Signature of Judicial Officer

8/28/2017

Date